



**United States Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section**

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**Response Requested by August 27, 2008**

August 22, 2008

Michael David Lichtenstein  
Member of the Firm  
Lowenstein Sandler PC  
65 Livingston Avenue  
Roseland, New Jersey 07068  
[mlichtenstein@lowenstein.com](mailto:mlichtenstein@lowenstein.com)

Robert W. Webb  
The Marmon Group LLC  
181 West Madison St. -26<sup>th</sup> Floor  
Chicago, IL 60602

RE: the Bunker Hill Mining and Metallurgical Complex Superfund Site, Idaho

Mr. Lichtenstein and Mr. Webb:

In my letters dated August 13 and 20, 2008, I requested that, in order to toll any potential statute of limitations deadline for twelve months and avoid filing a complaint pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), against Group R Co., Inc. and the Marmon Group LLC on or before September 11, 2008, you sign and return proposed Tolling Agreements. Since sending the proposed Tolling Agreements on August 13 and 20, we have identified corrections which we need to make to the proposed agreements, and we request that you sign and return these revised versions of the Tolling Agreement by no later than August 27, 2008. I apologize for the inconvenience.

The revised Tolling Agreement has been corrected to cover the entire "Bunker Hill Mining and Metallurgical Complex Superfund Site." Please note that the site name has been changed in the title, footer and first paragraph of the proposed Tolling Agreement. In addition, there is a correction in the first paragraph to "the United States" rather than "the United States, on behalf of the Environmental Protection Agency."

Again, a tolling period of twelve months should allow us sufficient time to conduct

settlement discussions without simultaneous litigation. Please find attached the revised proposed Tolling Agreement with a tolling period of September 10, 2008 through September 12, 2009. I request that you sign and return the attached revised Tolling Agreements to me by no later than Wednesday, August 27, 2008. If you have any questions regarding this matter, please contact me at [erika.zimmerman@usdoj.gov](mailto:erika.zimmerman@usdoj.gov) or (202) 514-5270.

Sincerely,

/s

Erika M. Zimmerman  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice

cc:  
Cara Steiner-Riley  
Kelly Cole  
U.S. Environmental Protection Agency, Region 10

enclosure